

95TH CONGRESS
2D SESSION

H. R. 12923

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1978

Mr. ROYBAL (for himself, Mr. DELANEY, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To establish uniform procedures for and regulate the procurement, production, and distribution of audiovisual materials by all Federal agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Federal Audiovisual
4 Materials Act of 1977".

5 SEC. 2. It is the purpose of this Act to establish regula-
6 tions for the procurement, production, and distribution of
7 audiovisual materials by the Federal Government.

8 (1) The Congress hereby finds that Federal agency
9 competition with the private sector violates the fundamental
10 concept that the Government should utilize the competitive

1 incentives of the private enterprise system to provide the
2 products and services which are necessary to support gov-
3 ernmental functions.

4 (2) Except as provided herein, this Act shall not be
5 interpreted to deny any Federal agency control over its
6 programs, management, and policies.

7 SEC. 3. As used in this Act—

8 (1) the term “audiovisual materials” includes mo-
9 tion pictures, video tape recordings, audio tape record-
10 ings, slide films, filmstrips, audio discs, video discs of any
11 gage or size and any other means, methods, or devices
12 known or yet to be devised which produce or reproduce
13 visual or audio recordings, but does not include any
14 equipment or supplies which are primarily used for re-
15 production (by photograph or otherwise) of documents,
16 correspondence, and other paperwork;

17 (2) the term “audiovisual materials production”
18 means creating, researching, writing, audio and visual
19 recordings, editing, reediting, or reproducing such ma-
20 terials by any means or methods;

21 (3) the term “producer” means an individual per-
22 son or an organization engaged in the business of audio-
23 visual materials production;

24 (4) the term “employees” means directors, writers,
25 actors, narrators, craftsmen, technicians, and any other

1 type personnel employed by a producer in the produc-
2 tion of audiovisual materials;

3 (5) the term "distribution" means the methods of
4 making completed audiovisual materials available to
5 governmental and nongovernmental audiences;

6 (6) the term "Commission" means the Federal
7 Audio-Visual Commission established by this Act; and

8 (7) the term "Federal agency" means any depart-
9 ment, agency, commission, board, bureau, division, of-
10 fice, or subdivision thereof, and any corporation wholly
11 owned by the United States, but does not include the
12 Congress, the courts of the United States, the govern-
13 ments of the territories or possessions of the United
14 States, or the government of the District of Columbia.

15 SEC. 4. The Commission shall oversee all Federal
16 agency audiovisual activities and shall establish rules for the
17 production, acquisition, use, and distribution of audiovisual
18 materials. Its functions shall be to—

19 (1) supervise and issue regulations for the purpose
20 of insuring that, except as provided in section 7, such
21 audiovisual materials be produced and acquired from
22 qualified private sector producers and made available
23 to audiences, other than those within the Federal Gov-
24 ernment, through qualified private sector distribution
25 organizations;

1 (2) oversee Federal agency staffing and assignment
2 of personnel to audiovisual and peripheral units;

3 (3) recommend reorganization of Federal agency
4 audiovisual activities, if necessary, to department and
5 agency officials;

6 (4) define selection criteria for, and establish a
7 nationwide list of qualified private sector producers and
8 production organizations for use by all Federal agencies:

9 (5) monitor contracting and procurement pro-
10 grams and policies so that all Government audiovisual
11 materials production will be bid upon and contract
12 award made to qualified organizations on the established
13 list;

14 (6) oversee means and methods of distribution to
15 the private sector so that unfair sales pricing competi-
16 tion between Government and private sector produced
17 materials is eliminated; and

18 (7) report to the appropriate committees of the
19 Congress, annually, on actions taken, recommendations
20 made, and results obtained on all Federal audiovisual
21 activities.

22 SEC. 5. (a) There is hereby established a Federal
23 Audiovisual Commission.

24 (b) Commission members shall be appointed by the
25 President and shall consist of a Chairperson and six mem-

1 bers, not more than five of whom shall be representative of
2 the production and not more than three of whom shall be
3 representative of the distribution areas of the audiovisual
4 industry. Members, appointed by the President to the Com-
5 mission, will be confirmed by the United States Senate.
6 Each member shall be appointed for a term of six years,
7 except that of the members first appointed, two shall be
8 appointed for two years, two for four years, and the Chair-
9 person and two members of six years. Members of the
10 Commission shall be reimbursed equivalent to compensation
11 of members of the Federal Communications Commission.

12 (c) The Commission is authorized, in accordance with
13 the civil service laws, to select and appoint a staff of not
14 more than thirty-five persons. The staff director shall be
15 compensated at a rate no higher than the GS-16 level of
16 the Federal Executive Salary Schedule. Two staff assistants
17 shall be compensated at a rate no higher than the GS-15
18 level of that schedule. The remainder of the staff will receive
19 compensation as outlined in the General Schedule. The Com-
20 mission may employ experts and consultants, not to exceed
21 ten persons, as may be necessary who shall receive com-
22 pensation as determined by private sector practices and as
23 provided by section 3109 of title 5, United States Code.

24 SEC. 6. All Federal agencies involved in audiovisual
25 activities shall—

1 (1) designate one liaison person experienced in the
2 agency's audiovisual activity to the Commission;

3 (2) supply the Commission with full and complete
4 information about ongoing audiovisual activities;

5 (3) supply the Commission with a report on future
6 production planning including subject matter, need,
7 audiovisual method to be utilized, estimated production
8 cost, intended audience and means, method, and plan for
9 distribution including analysis that successful achieve-
10 ment of objectives can best be accomplished using the
11 audiovisual means selected. Each such production and
12 distribution plan shall be updated on a semiannual basis.

13 All such information received will be consolidated and
14 made available through a central information source
15 containing a data bank on Federal audiovisual produc-
16 tions in the National Audiovisual Center.

17 SEC. 7. Regulations established by the Commission pur-
18 suant to section 4 (1) shall not apply to—

19 (1) audiovisual materials involving or including in-
20 formation of a classified nature, where no private sector
21 producer has been able to receive the required security
22 clearances;

23 (2) audiovisual materials used or produced as a
24 part of official surveillance for crime investigation, ad-
25 ministration of law enforcement activities, or collecting

1 and compiling of intelligence regarding the national se-
2 curity;

3 (3) audiovisual materials used or produced for the
4 purposes of scientific research, testing, or development
5 where a time factor, elements of a classified nature (as
6 7.1) or other factors preclude the use of private sector
7 producers and, in each case, the audiovisual materials
8 will not be available for general distribution or viewing;
9 and

10 (4) audiovisual materials of a specific nature for
11 which, in the best interests of the United States, the
12 Commission may provide an exemption.

13 SEC. 8. Every employee under a contract to produce
14 audiovisual materials entered into by a Federal agency or
15 any subcontract thereto shall be compensated at rates not
16 less than those prevailing for similar employees as deter-
17 mined by the Secretary of Labor.

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